

VILLAGE OF FONTANA ON GENEVA LAKE
WALWORTH COUNTY, WISCONSIN
(Official Minutes)

MONTHLY MEETING of the VILLAGE OF FONTANA PLAN COMMISSION
and JOINT SESSION with JOINT EXTRATERRITORIAL ZONING COMMITTEE
(Village of Fontana, Town of Linn, Town of Walworth)
Monday, September 23, 2013

Chairman George Spadoni called the monthly meeting of the Plan Commission to order at 5:32 pm in the Village Hall, 175 Valley View Drive, Fontana, Wisconsin, and stated that the Plan Commission would consider its agenda items until a quorum of ETZ Committee members was present.

Plan Commissioners present: Roll call: Cynthia Nickolai, Micki O'Connell, President Arvid Petersen, Trustee Spadoni, Scott Vilona, F.J. Frazier (arrived at 5:46 pm)

Plan Commissioner absent: Sarah Lobdell

Also present: Administrator/Treasurer Kelly Hayden, Clerk Dennis Martin, Mike Slavney, Dale Thorpe, Jim van Dreser (had to leave meeting at 5:50 pm), Tom Whowell

Joint ETZ Committee Chairman O'Connell called the ETZ Committee meeting to order at 5:53 pm when a quorum of members was present.

ETZ Committee members present: Village of Fontana representatives Micki O'Connell, Scott Vilona; Town of Walworth representatives Ken Magowan, Thomas Rohleder; Town of Linn representatives William Bentley, John Zils

ETZ Committee members absent: Village of Fontana representative Sarah Lobdell, Town of Walworth representative Jim van Dreser, Town of Linn representative Larry Aasen

Visitors Heard

None

Announcements

1. Lakefront and Harbor Committee Meeting – **Wednesday, September 25, 2013, 4:30 pm**
2. Finance Committee Budget Meetings – **Monday, September 30, 2013, 5:00 pm & Thursday, October 3, 2013, 6:00 pm**
3. Village Board Monthly Meeting – **Monday, October 7, 2013, 6:00 pm**
4. Fontana/Walworth Water Pollution Control Commission Meeting – **Tuesday, October 8, 2013, 7:30 pm**
5. GLLEA Monthly Board Meeting – **Wednesday, October 9, 2013, 10:00 am**
6. Public Works Committee Meeting – **Saturday, October 12, 2013, 8:00 am**
7. Library Board Meeting – **Wednesday, October 16, 2013, 10:00 am**
8. Plan Commission Staff Meeting – **Wednesday, October 16, 2013, 1:00 pm**
9. Park Commission Meeting – **Wednesday, October 16, 2013, 6:00 pm**
10. Village Board & Finance Committee Budget Meeting – **Thursday, October 17, 2013, 6:00 pm**
11. GLEA Board Meeting – **Thursday, October 17, 2013, 7:00 pm**
12. Protection Committee Meeting – **Monday, October 21, 2013, 5:30 pm**
13. Plan Commission Meeting – **Monday, October 28, 2013, 5:30 pm**

Approve Plan Commission/Joint ETZ Committee Minutes

Town of Walworth representative Magowan /Town of Walworth representative Rohleder 2nd made a MOTION to approve the minutes as submitted for the Joint ETZ Committee meeting held August 26, 2013, and the MOTION carried without negative vote.

President Petersen/Commissioner Vilona 2nd made a MOTION to approve the minutes as submitted for the Plan Commission meeting held August 26, 2013, and the MOTION carried without negative vote.

Joint Session Public Hearing

Proposed Amendments to ETZ Zoning Ordinance Sections 18-535(m), 18-542(a), and 18-546(c)(2)

The public hearing was opened at 5:54 pm. The three text amendments that were discussed last month are to add a description and purpose statement to the Section 18-542(a) P-2 District; to increase the Minimum Average Lot Width from 100 feet to 125 feet in the Section 18-535(m) A-5 District; and to lower the minimum building separation from 750 feet to 400 feet from a residential zoning district for an adult entertainment land use in Section 18-546(c)(2). The public hearing was closed at 5:55 pm.

Joint Session Business

ETZ Committee Recommendation on Proposed Amendments to ETZ Zoning Ordinance

Village Planner Mike Slavney stated that the first two amendments are corrections, and third amendment is for the B-4 District to make that section of the code defensible if a lawsuit were to be filed in the future following the denial of a proposal for an adult entertainment use.

Town of Linn representative Zils/Town of Linn representative Bentley 2nd made a MOTION to recommend approval of the ETZ Zoning Ordinance amendments as presented, and the MOTION carried without negative vote.

Plan Commission Recommendation on Proposed Amendments to ETZ Zoning Ordinance

President Petersen/Commissioner Frazier 2nd made a MOTION to recommend approval of the ETZ Zoning Ordinance amendments as presented, and the MOTION carried without negative vote.

Adjournment ETZ Committee

ETZ Committee Chairman O'Connell/ Town of Linn representative Zils 2nd made a MOTION to adjourn the meeting at 5:57 pm, and the MOTION carried without negative vote.

Plan Commission Public Hearing

Proposed Amendments to Zoning Ordinance Sections 18-92, 18-110(d)(3) and 18-110(d)(6)e Regarding Temporary Sunshade Structures

The public hearing was opened at 5:34 pm. Tom Whowell stated that his family business, Gordy's Boathouse, is the subject of the proposed ordinance amendments that authorize the erection of a temporary sunshade structure in the shoreyard, if it is in support of a permitted commercial use. Whowell stated that the allowance of a sunshade is a big help to the restaurant serving food and beverages outdoors on the lake side of the street. Whowell stated that he would like to propose that the date range for the allowance of the sunshade be changed from May 15th through September 15th as proposed to April 1st through October 31st. Thorpe stated that the proposed ordinance amendments that were published for the public hearing have the date range set as May 15th through September 15th, and if recommended for approval, those dates can't be altered. Thorpe stated that the Plan Commission could post and publish for another public hearing to consider another amendment to the Zoning Code at the next monthly meeting that could change the date range. There were no other comments made during the public hearing, which was closed at 5:37 pm.

Plan Commission Business

Recommendation on Proposed Amendments to Zoning Ordinance Sections 18-92, 18-110(d)(3) and 18-110(d)(6)e, Regarding Temporary Sunshade Structures

O'Connell stated that she is concerned about the soul of Geneva Lake being adversely affected with too much commercialization on Lake Street. O'Connell stated that people can no longer see the lake

and enjoy views from Lake Street and additional sunshades or canopies will just make it worse, so she is not in favor of the proposed amendments. O'Connell stated that residents have to drive to Williams Bay to enjoy nice views of the lake.

President Petersen/Commissioner Nickolai 2nd made a MOTION to recommend Village Board approval of the proposed amendments to Sections 18-92, 18-110(d)(3) and 18-110(d)(6)e, regarding temporary sunshade structures, as presented. The MOTION carried on a 4-1 vote, with Commissioner O'Connell opposed. Commissioner Frazier was not yet present at the meeting, and Commissioner Lobdell was absent.

Thorpe stated that if the Plan Commission wanted to consider an amendment to the date range that the temporary sunshade structures are allowed they should provide direction on what date range is going to be considered and schedule another public hearing. A discussion ensued on what an appropriate date range would be for the proposed amendment to Section 18-110(d)(6)e.

Commissioner Vilona/President Petersen 2nd made a MOTION to direct staff to amend the amended Section 18-110(d)(6)e to state that structures must be removed "between October 15 and the following April 15" and to schedule a public hearing for the proposed amendment to Section 18-110(d)(6)e on Monday, October 28, 2013 beginning at 5:30 pm. The MOTION carried without negative vote.

Zoning Code Ordinance Review of Lakefront Residential Zoning District Accessory Building Restrictions – Tabled 8/26/13

Spadoni stated that he reviewed the August 26, 2013 letter and zoning code information distributed by Thorpe and he is not sure that the Village needs to go through another review and amendment process to address the large residential garage construction project that prompted the agenda item. Spadoni stated that his only concern was with the massive garage plans. Thorpe stated that even if the allowable size of garages was reduced, there still would be the possibility of a residential structure being developed to the full extent of the Zoning Code on the larger lakefront lots, and a new residence could be substantially larger than the existing homes in the area unless some sort of "McMansion" regulations are adopted. Spadoni stated that the Plan Commission should continue to review the information supplied by Thorpe and he asked that other sample ordinances with density control standards also be distributed for review.

President Petersen/Commissioner O'Connell 2nd made a MOTION to table the item, and the MOTION carried without negative vote.

Zoning Code Ordinance Amendments to Restore Construction Site Erosion Control Regulations

Thorpe stated that he drafted an ordinance to incorporate the old construction site erosion control regulations into the rewritten Zoning Code. Thorpe stated that the regulations were inadvertently omitted from the rewritten code.

President Petersen/Commissioner Vilona 2nd made a MOTION to schedule a public hearing for the proposed ordinance to reestablish the Construction Site Erosion Control Regulations in Chapter 18 of the Municipal Code on Monday, October 28, 2013 beginning at 5:30 pm. The MOTION carried without negative vote.

Adjournment Plan Commission

President Petersen/Commissioner Vilona 2nd made a MOTION to adjourn the Plan Commission meeting at 5:57 pm, and the MOTION carried without negative vote.

Minutes prepared by: Dennis L. Martin, Village Clerk

Note: These minutes are subject to further editing. Once approved by the Plan Commission and Joint ETZ Committee, the official minutes will be on file at the Village Hall.

APPROVED: 10/28/2013